

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1915.14US03

Kasner, et al.

Confirmation No.: 9685

Application No.: 09/862,905

Examiner: Michael Safavi

Filed: May 22, 2001

Group Art Unit: 3637

For: RIDGE CAP TYPE ROOF VENITLATOR

APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on September 10, 2008, from the rejection of claims 16, 17, 21-34, 49, 51, 52, 54, 56, and 58-60 of the above-identified application, as set forth in the Office Action mailed on June 12, 2008.

Electronic payment is submitted by credit card to cover the official fee of \$540.00 (large entity), which represents the requisite fee set forth in 37 CFR § 41.20(b)(2). The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees due to Deposit Account No. 16-0631. The Appellants respectfully request consideration and reversal of the rejections of the rejected pending claims.

1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the sole assignee, Liberty Diversified Industries, Inc.

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present appeal.

3. STATUS OF CLAIMS

Originally issued claims 1-15 were canceled in a preliminary amendment filed concurrently with this application.

Claims 18-20, 35-48, 50, 53, 55, 57, and 61-70 were canceled during prosecution of this application.

Claims 16-17, 21-34, 49, 51-52, 54, 56, and 58-60 were rejected under 35 U.S.C. § 251 in the Office Actions of June 12, 2008, November 14, 2007, December 11, 2006, and December 19, 2005. The rejection of claims 16-17, 21-34, 49, 51-52, 54, 56, and 58-60 is being appealed.

4. STATUS OF AMENDMENTS

All amendments are entered.

No amendments have been made subsequent to the Office Action of June 12, 2008.

5. SUMMARY OF CLAIMED SUBJECT MATTER

A. Claim 16

In the embodiments of the invention claimed, claim 16 recites, *inter alia*, a roof ventilator 10 comprising a top panel 64 and at least one ventilator section 12 (e.g., column 4, lines 28-31; column 5, lines 7-13; roof ventilator 10 and ventilator section 12 in Figure 2, and top panel 64 in Figure 3). The at least one ventilator section, in turn, comprises a ventilator first panel 48, 50 and an interconnected ventilator second panel 52, 54 (e.g., column 5, lines 14-19; first panels 60 and 62 and second panels 56 and 58 in Figures 3 and 4). The at least one ventilator section 12 is in parallel abutting contact with the top panel 64 (e.g., ventilator sections 12 in parallel abutting contact with the unnumbered top panel in Figure 2). The top panel and ventilator first and second panels may be made from a material, which has first and second planar (liner) plies 30, 32 and an intermediate ply 34 disposed between the planar plies to define a multiplicity of air passages (spaces) 36 (e.g., column 4, lines 41-48; planar plies 30, 32, intermediate ply 34, and air passages 36 in Figure 10). Claim 16 recites that the top panel defines a recessed area 86 in which the first planar ply 32 and at least a portion of the intermediate ply 34 are removed so that the recessed area is generally non-linear in cross section and exposes at least a portion of the air passages in the top panel and so that the interior region 76 of the ventilator is in fluid communication with the exterior of the ventilator (e.g., column 6, lines 42-55; recessed area 86, planar ply 32, intermediate ply 34, and recessed area 86 in Figures 7, 11, and 12).

B. Claim 49

In the embodiment claimed, claim 49 recites, *inter alia*, a ventilator 10 comprising first and second ventilator sections 12 (e.g., column 4, lines 28-35; ventilator Figure 2), which extend generally symmetrically outboard from a substantially longitudinal center line (generally parallel with element C in Figure 3). The first and second ventilator sections 12 may include first and second panels 48, 50 (e.g., column 5, lines 3-13; first and second panels 48, 50 in Figures 3 and 4) made from a corrugated material 28 defining a plurality of air passages 36 (e.g., column 4,

lines 37-48, material 28 in Figure 4; air passages 36 in Figures 10 and 13) and a plurality of apertures (pockets) 74 (e.g., column 6, lines 8-14, apertures 74 in Figures 1-6 and 15) . The first and second panels 12 may be in a contacting stacked relationship (e.g., Figure 2). The air passages 36 may conduct air from inside the roof peak to outside the roof peak. (e.g., column 2, lines 48-53) The apertures 74 may extend generally transversely to, and substantially interrupt at least a portion of, the air passages 36 (e.g., column 6, lines 7-14; apertures 74 in Figure 2).

This summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and its legal equivalents for a complete statement of the invention.

6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 16-17, 21-34, 49, 51-52, 54, 56, and 58-60 were properly rejected under 35 U.S.C. § 251 for a defective reissue declaration.

7. ARGUMENT

A. The Applicable Law under 35 U.S.C. § 251.

Whenever any patent is deemed “wholly or partly inoperative ... by reason of the patentee claiming ... less than he had a right to claim,” the patent may be reissued with broader claims if the reissue application is filed “within two years of the grant of the original patent.” 35 U.S.C. § 251. During a reissue proceeding, a supplemental oath or declaration is required when an error is corrected which was not recited in the originally filed reissue oath or declaration. 37 C.F.R. § 1.175(b)(1); *see also* MPEP § 1414.01. Fulfilling three requirements at issue (MPEP § 1414), the reissue oath or declaration, in addition to those of 37 C.F.R. § 1.63 (MPEP § 1414), must: 1) state that the reissue applicant “believes the original patent to be wholly or partly inoperative or invalid by reason of ... the patentee claiming ... less than the patentee had the right to claim in the patent” (37 C.F.R. § 1.175(a)(1); *see also* MPEP § 1414(I)), 2) contain a statement of “at least one error being relied upon as a basis for the reissue” (*i.e.*, the basis for the reissue) (37 C.F.R. § 1.175(a)(1); *see also* MPEP § 1414(II)), and 3) contain a statement that “[a]ll errors ... arose without any deceptive intention on the part of the applicant” (37 C.F.R. § 1.175(a)(2); *see also* MPEP § 1414(III)).

Regarding the first requirement, the statement that “[a]pplicant believes the original patent to be partly inoperative or invalid by reason of the patentee claiming less than patentee had a right to claim in the patent” is “sufficient to satisfy this requirement without any further statement.” MPEP § 1414(I). The expression “less than patentee had right to claim” generally refers to the scope of a claim. *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 882 F.2d 1556, 1565 (Fed. Cir. 1989).

With respect to the second requirement, only “one of the errors upon which reissue is based” must be specified. (MPEP § 1414(II)(B)). In identifying one such error, “it is sufficient that the reissue oath/declaration identify a single word, phrase, or expression ... in an original claim, and how it renders the original patent wholly or partly inoperative or invalid. The corresponding corrective action which has been taken to correct the original patent need not be identified in the oath/declaration.” MPEP § 1414(II)(B). “Any error in the claims must be

identified by reference to the specific claim(s) and the specific claim language wherein lies the error.” MPEP § 1414(II)(C).

In order to satisfy [the third] requirement, the following statement may be included in an oath or declaration: ‘All errors in the present reissue application up to the time of signing of this oath/declaration, or errors which are being corrected by a paper filed concurrently with this oath/declaration which correction of errors I/we have reviewed, arose without any deceptive intention on the part of the applicant.’

MPEP § 1414(III). As shown above, the mistake stated in the reissue oath or declaration must be unintentional. However, “the patentee [need] include only a general statement that the errors involved no deceptive intent.” *Shockley v. Arcan, Inc.*, 248 F.3d 1349, 1358 (Fed. Cir. 2001).

B. The filed reissue declaration states that the reissue applicant “believes the original patent to be wholly or partly inoperative or invalid by reason of ... the patentee claiming ... less than patentee had the right to claim in the patent.”

As shown above, a reissue declaration must state that the applicants believe the original patent to be wholly or partly inoperative by reason of the patentee claiming less than patentee had a right to claim in the patent. The supplemental reissue declaration filed March 14, 2008 states that “We believe the original patent to be partially or wholly inoperative because Applicants claimed less than Applicants had a right to claim in the patent.” March 14, 2008 Supplemental Reissue Declaration, paragraph 5.¹ Accordingly, the 14 March complies with the first requirement.

C. The filed reissue declaration specifies one of the errors upon which reissue is based.

As stated above, only a single error to support the reissue application must be stated in the supplemental reissue declaration. Accordingly, paragraph 5 of the March 14, 2008 Supplemental Reissue Declaration states that “claim 16 recites, in part, a recessed area in a top panel of a roof ventilator, the recessed area being non-linear in cross section, which is broader in

¹ The requirement for the signature of one of the inventors, Gary P. Kasner, was waived by a granted petition which was filed concurrently with the March 14, 2008 Reissue Declaration.

scope than claim 9, which recited a recessed area having a pair of side walls traversing a generally oval-shaped path.” The one error in original claim 9 is thus an “oval-shaped path,” a limitation which is more narrow in scope than a “recessed area being non-linear in cross section.” The foregoing statement from the March 14, 2008 Supplemental Reissue Declaration contains a reference to the specific claim language in originally issued claim 9, the specific claim 9 language being narrower in scope than now allowed reissue claim 16. Thus, the March 14, 2008 Supplemental Declaration, in contradiction to what is asserted in the June 12, 2008 Office Action, clearly states an error within original patent, U.S. 5,094,041.

D. The supplemental reissue declaration contains the statement that the errors being corrected arose without deceptive intent.

As shown above, the March 14, 2008 Supplemental Reissue Declaration must contain a statement that the errors being corrected arose without deceptive intent. To this end, paragraph 6 of the 14 March Supplemental Reissue Declaration states “[e]very error in the patent sought to be corrected in the present reissue application, and which is not covered by the prior declaration(s) submitted in this application, arose with any deceptive intent on the part of Applicants.” Therefore, the requirement in a reissue declaration pertaining to the lack of deceptive intent has been fulfilled by the March 14, 2008 Supplemental Reissue Declaration.

E. Because the supplemental reissue declaration fulfills all three requirements at issue, the rejection should be reversed.

As shown above, the March 14, 2008 Supplemental Reissue Declaration states 1) that the applicants believe the “original patent to be partially or wholly inoperative because Applicants claimed less than Applicants had a right to claim in the patent,” 2) a single error, that of a narrower limitation in claim 9 than would be patentable over the prior art, “a pair of side walls traversing a generally oval-shaped path,” and 3) that the errors being corrected “arose without any deceptive intent on the part of Applicants.” In contrast to what is stated in the June 12, 2008 Office Action, all three requirements at issue have been fulfilled. Consequently, Applicants

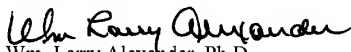
Application No. 09/862,905

respectfully request consideration and reversal of the rejection of claims 16-17, 21-34, 49, 51-52, 54, 56, and 58-60 under 35 U.S.C. § 251 for a defective reissue declaration.

8. SUMMARY

For the reasons stated above, claims 16-17, 21-34, 49, 51-52, 54, 56, and 58-60 were not properly rejected under § 251 as being unpatentable over Smith et al. Accordingly, it is respectfully submitted that the submitted supplemental oath complies with the requirements and that the claims are patentable over the cited art. Reversal of the rejection and allowance of the pending claims are therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wm. Larry Alexander".

Wm. Larry Alexander, Ph.D.

Registration No. 37,269

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CLAIMS APPENDIX

[1. In a roof ventilator for mounting on a peak of a roof having a roof opening, said roof ventilator having a pair of vent parts disposed on opposing sides of said roof opening and defining a multiplicity of air passages communicating with said roof opening, each said vent part including a plurality of vent panels which are interconnected and generally parallel to one another and disposed in a stack generally proximate to one another, said plurality of vent panels defining said multiplicity of air passages, the improvement comprising:

a first aperture defined by and extending completely through a first one of the plurality of vent panels and interrupting at least a portion of the multiplicity of air passages therein; and

a second aperture defined by and extending completely through a second one of the plurality of vent panels and interrupting at least a portion of the multiplicity of air passages therein, such that said first aperture and said second aperture are generally aligned with and overlap at least a portion of one another.]

[2. The roof ventilator of claim 1 wherein the number of vent panels in each of the pair of vent parts is at least three, said roof ventilator further comprising:

a third aperture defined by and extending through a third one of the plurality of vent panels and interrupting at least a portion of the multiplicity of air passages therein, such that said third aperture is generally aligned with and overlaps at least a portion of the first aperture and the second aperture.]

[3. The roof ventilator of claim 2 wherein the number of vent panels in each of the pair of vent parts is at least four, said roof ventilator further comprising:

a fourth aperture defined by and extending through a fourth one of the plurality of vent panels and interrupting at least a portion of the multiplicity of air passages therein, such that said fourth aperture is generally aligned with and overlaps at least a portion of the first aperture, the second aperture, and the third aperture.]

[4. In a roof ventilator for mounting on a peak of a roof having a roof opening, said roof ventilator having a pair of vent parts disposed on opposing sides of said roof opening and each defining a multiplicity of air passages communicating with said roof opening, said pair of vent parts being connected to one another by a top panel, each of said pair of vent parts including at least a first vent panel and a second vent panel connected to said first vent panel such that said first vent panel is disposed above said second vent panel generally parallel thereto to form a stack, said first vent panel and said second vent panel defining said multiplicity of air passages, the improvement comprising:

at least one first aperture defined by and extending through the first vent panel and interrupting at least a portion of the multiplicity of air passages; and

at least one second aperture defined by and extending through the second vent panel and interrupting at least a portion of the multiplicity of air passages, such that said first aperture and said second aperture are generally aligned with and overlap one another.]

[5. The roof ventilator of claim 4 wherein each of the pair of vent parts includes a third vent panel, said roof ventilator further comprising:

a third aperture defined by and extending through the third vent panel and interrupting at least a portion of the multiplicity of air passages, such that said third aperture is generally aligned with and overlaps at least a portion of the first aperture and the second aperture.]

[6. The roof ventilator of claim 5 wherein each of the pair of vent parts includes a fourth vent panel, said roof ventilator further comprising:

a fourth aperture defined by and extending through the fourth vent panel and interrupting at least a portion of the multiplicity of air passages, such that said fourth aperture is generally aligned with and overlaps at least a portion of the first aperture, the second aperture, and the third aperture.]

[7. In a roof ventilator for mounting on a peak of a roof having a roof opening, said roof ventilator having a pair of vent parts disposed on opposing sides of said roof opening and each defining a multiplicity of air passages communicating with said roof opening, said pair of vent parts being connected to one another by a top panel, each of said pair of vent parts including a plurality of vent panels which are interconnected and generally parallel to one another and disposed in a stack generally proximate to one another, said plurality of interconnected vent panels defining said multiplicity of air passages, the improvement comprising:

a plurality of apertures, said plurality of apertures each being defined by and extending through the plurality of vent panels in a one of the pair of vent parts and interrupting at least a

portion of the multiplicity of air passages therein, such that each of said plurality of apertures are generally aligned with and overlap one another within said one of the pair of vent parts.]

[8. In a roof ventilator for mounting on a peak of a roof having a roof opening, said roof ventilator having a pair of vent parts disposed on opposing sides of said roof opening and defining a multiplicity of air passages communicating with said roof opening, said pair of vent parts being connected to one another by a top panel disposed above said pair of vent parts, said roof ventilator defining an interior region and an exterior region surrounding said roof ventilator, the improvement comprising:

a pocket defined by and extending at least partially through at least a one of the vent parts in a direction generally perpendicular to the top panel and disposed beneath the top panel, said pocket being disposed between the interior region of the roof ventilator and the exterior region surrounding the roof ventilator and interrupting a portion of the multiplicity of air passages, said pocket being at least partially enclosed along a first side disposed closest to the interior region of the roof ventilator by said one of the vent parts and communicating therealong with said portion of the multiplicity of air passages, said pocket being at least partially enclosed along a second side disposed closest to the exterior region surrounding the roof ventilator by said one of the vent parts and communicating therealong with said portion of the multiplicity of air passages said pocket being spaced apart from the interior region by the vent part.]

[9. In a roof ventilator for mounting on a peak of a roof having a roof opening, said roof ventilator having a pair of vent parts disposed on opposing sides of said roof opening and a top

panel disposed above said pair of vent parts, said top panel being constructed of a double-faced corrugated sheet material having a pair of planar plies spaced apart a distance and an intermediate ply, said intermediate ply having a multiplicity of convolutions and being disposed between and connected to each of said pair of planar plies to define a longitudinal grain and a multiplicity of partially enclosed air passages extending therethrough parallel with said longitudinal grain, said roof ventilator defining an interior region and an exterior region surrounding said roof ventilator, said top panel having an underside defined by a one of the pair of planar plies communicating with and proximate to said interior region, the improvement comprising:

a recessed area cut in and extending at least partially into the underside of the top panel, said recessed area extending through the one of the pair of planar plies defining the underside of the top panel and at least partially through the intermediate ply, said recessed area defining a plurality of openings, each of said openings communicating with a one of the multiplicity of air passages such that air may pass from the interior region of the roof ventilator through said plurality of openings defined by said recessed area into the multiplicity of air passages and to the exterior surrounding the roof ventilator, each of said plurality of openings having a pair of side walls defined by the intermediate ply, each of said pair of side walls traversing a generally oval-shaped path, such that the top panel may be manually folded across a path disposed within said recessed area.]

[10. The roof ventilator of claim 9 wherein each of the pair of side walls traverses a generally concave arcuate path.]

[11. The roof ventilator of claim 9 wherein the recessed area extends entirely through the one of the pair of planar plies defining the underside of the top panel, the one of the pair of planar plies thereby defining a pair of side edges bounding the recessed area, each of the pair of side walls having a maximum height measured adjacent to said side edges bounding the recessed area, and a minimum height measured at a point disposed between said pair of side edges bounding the recessed area.]

[12. The roof ventilator of claim 11 wherein each of the pair of said edges bounding the recessed area are generally straight.]

[13. The roof ventilator of claim 11 wherein the recessed area defines a centerline disposed approximately equidistant between the pair of side edges bounding the recessed area, and wherein the point at which the minimum height of each of the pair of side walls is measured is closely proximate to said centerline.]

[14. The roof ventilator of claim 13 wherein each of the pair of said walls has a top edge, each said top edge being disposed proximate to the one of the pair of planar plies defining the underside of the top panel adjacent to each of the pair of side edges bounding the recessed area, and wherein each said top edge is disposed closely proximate to a remaining one of the pair of planar plies adjacent to the centerline.]

[15. The roof ventilator of claim 11 wherein the top panel may be selectively bent, the top panel folding generally along a line defined by and connecting each of the side walls of the recessed area at the point at which the minimum height of each of the side walls is measured responsive to the top panel being bent.]

16. (New) A roof ventilator, comprising:

a top panel; and

at least one ventilator section comprising a ventilator first panel and an interconnected ventilator second panel,

said at least one ventilator section in parallel abutting contact with the top panel,

the top panel and said ventilator first and second panel comprising first and second planar plies and an intermediate ply disposed between the first and second planar plies such that the first and second planar plies and intermediate ply define a multiplicity of air passages extending generally transversely to a roof ventilator longitudinal axis,

said at least one ventilator section and the top panel defining a ventilator interior region and a ventilator exterior region surrounding the roof ventilator,

the top panel defining a recessed area in which the top panel first planar ply and at least a portion of the top panel intermediate ply have been removed, the recessed area being generally non-linear in cross section and exposing at least a portion of the air passages in the top panel such that the ventilator interior region is in fluid communication with the ventilator exterior region through the recessed area and the air passages.

17. (New) The roof ventilator of claim 16, in which a pair of ventilator sections are present.

18-20. (Canceled)

21. (New) The roof ventilator of claim 17, each ventilator section further comprising a third panel, the top panel and each said first panel, second panel, and third panel in parallel abutting contact, each said third panel including first and second planar plies and an intermediate ply disposed between the first and second planar plies such that air passages extending generally transversely to the roof ventilator longitudinal axis are defined.

22. (New) The roof ventilator of claim 17, each ventilator section further comprising a third panel, the third panel including first and second planar plies and an intermediate ply disposed between the first and second planar plies such that air passages extending generally transversely to the roof ventilator longitudinal axis are defined, the top panel and each said first, second, and third ventilator panel being defined by generally linear series of perforations extending generally parallel to the ventilator longitudinal axis.

23. (New) The roof ventilator of claim 17, each ventilator section further comprising a third panel, the third panel including first and second planar plies and an intermediate ply disposed between the first and second planar plies such that air passages extending generally transversely to the roof ventilator longitudinal axis are defined, the top panel and each said first, second, and third ventilator panel being defined by slits extending generally parallel to the roof ventilator

longitudinal axis, each of said slits formed by severing one of the first and second planar plies and the intermediate ply.

24. (New) The roof ventilator of claim 17, each ventilator section further comprising a third panel and a fourth panel, the top panel and each said first, second, third, and fourth panel in parallel abutting contact, each said third and fourth panel comprising first and second planar plies and an intermediate ply disposed between the first and second planar plies such that air passages extending generally transversely to the roof ventilator longitudinal axis are defined, the top panel and each said first, second, third and fourth panel being defined by perforations extending generally parallel to the roof ventilator longitudinal axis.

25. (New) The roof ventilator of claim 17, each ventilator section further comprising a third panel and a fourth panel, each said fourth panel including first and second planar plies and an intermediate ply disposed between the first and second planar plies such that air passages extending generally transversely to the roof ventilator longitudinal axis are defined, the top panel and each said first, second, third and fourth panel being defined by slits extending generally parallel to the roof ventilator longitudinal axis.

26. (New) The roof ventilator of claim 17, each ventilator section further comprising a third panel and a fourth panel, each said third and fourth panel including first and second planar plies and an intermediate ply disposed between the first and second planar plies such that air passages extending generally transversely to the roof ventilator longitudinal axis are defined, the top panel

and each said first, second, third and fourth panel being defined by slits extending generally parallel to the roof ventilator longitudinal axis, the slits formed by severing one of the first and second planar plies and the intermediate ply.

27. (New) The roof ventilator of claim 17, in which the ventilator section air passages and the top panel air passages extend generally perpendicularly to the roof ventilator longitudinal axis.

28. (New) The roof ventilator of claim 17, in which the portion of the top panel first planar ply adjoining the recessed area defines a generally linear recessed area edge.

29. (New) The roof ventilator of claim 17, in which the recessed area generally coincides with a longitudinal axis of the top panel.

30. (New) The roof ventilator of claim 17, in which the intermediate ply within the top panel recessed area defines a generally oval-shaped path.

31. (New) The roof ventilator of claim 17, in which the intermediate ply within the top panel recessed area defines a generally nonlinear path.

32. (New) The roof ventilator of claim 17, the recessed area being bounded by edges, the intermediate plies within the top panel recessed area having a minimum height and a maximum

height, the minimum height being disposed where all or a maximum portion of the intermediate ply has been removed, the maximum height being adjacent each said edge of the recessed area.

33. (New) The roof ventilator of claim 32, in which the intermediate ply minimum height generally coincides with a top panel longitudinal axis.

34. (New) A roof in combination with the roof ventilator of claim 17, the roof with a peak and an opening generally coinciding with the roof peak, the roof ventilator attached to the roof such that air from inside the roof can pass from the ventilator interior region, through the roof ventilator, and into the roof ventilator exterior region, via the roof ventilator top panel air passages and each said ventilator section air passage.

35-48 (Canceled).

49. (New) A ventilator for a roof peak, comprising first and second ventilator sections generally symmetrically extending outboard from a substantially longitudinal center line, each of said first and second ventilator sections comprising interconnected first and second panels, each of said first and second panels comprising a corrugated material defining a multiplicity of air passages and a plurality of apertures, each said first panel and second panel in a contacting stacked relationship, each of said air passages conducting air from inside the roof peak to outside the roof peak, each of said apertures extending generally transversely with respect to the

multiplicity of air passages, each of said apertures further extending substantially through said first and second panels so as to interrupt at least a portion of said multiplicity of air passages.

50. (Canceled)

51. (New) The ventilator of claim 49, in which said pluralities of first panel apertures are generally aligned with a corresponding one of said second panel apertures.

52. (New) The ventilator of claim 51, in which the first and second panels are longitudinally interconnected.

53. (Canceled)

54. (New) The ventilator of claim 49, in which substantially all of said multiplicity of air passages is interrupted by said plurality of apertures.

55. (Canceled)

56. (New) The ventilator of claim 54, in which the corrugated material comprises plastic.

57. (Canceled)

58. (New) The ventilator of claim 56, in which each of said first and second panels is interconnected by slit-scoring.

59. (New) The ventilator of claim 56, in which each of said first and second panels is interconnected by nick-scoring.

60. (New) A roof comprising the ventilator of claim 49 operably present at the peak of said roof.

61-70. (Canceled).

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.